

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

TROY A. BARTHOLOMEW,

Petitioner,

vs.

KATHY MENDOZA-POWERS, Warden,

Respondent.

CASE NO. 08-CV-1270-IEG (NLS)

AMENDED ORDER:

**(1) ADOPTING THE
MAGISTRATE JUDGE'S REPORT
[Doc. No. 11]; and**

**(2) DENYING IN PART THE
PETITION FOR WRIT OF
HABEAS CORPUS [Doc. No. 1].**

On July 14, 2008, petitioner Troy Bartholomew, a state prisoner proceeding *pro se*, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging the Board of Parole Hearings' November 14, 2006 decision to deny him parole. (Doc. No. 1.) Petitioner claims the Board failed to consider the "individualized factors" of his case, in violation of his Sixth Amendment,¹ due process, and equal protection rights.

This matter was referred to United States Magistrate Nita L. Stormes pursuant to 28 U.S.C. § 636(b)(1)(B). On March 13, 2009, Magistrate Judge Stormes issued a Report and Recommendation recommending the Court deny the petition for writ of habeas corpus in part because Petitioner had not set forth a colorable equal protection claim. (Doc. No. 11.) Any objections to the Report and

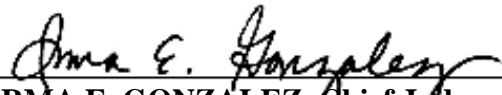
¹ The Court notes that although the petition and "oppositional briefing" briefly mention Petitioner's contention that his Sixth Amendment rights were violated, neither document sets forth the factual grounds supporting this contention.

1 Recommendation were due April 20, 2009. Petitioner has not filed any objections as of the date of
2 this Order.

3 Accordingly, the Court ADOPTS the magistrate judge's well-reasoned Report and
4 Recommendation in its entirety, and DENIES IN PART the petition for writ of habeas corpus, with
5 respect to Petitioner's equal protection claim. Respondent shall file a response to the remaining
6 claims in the petition no later than **June 20, 2009**. Petitioner shall file his traverse no later than **July**
7 **30, 2009**.

8 **IT IS SO ORDERED.**

9
10 **DATED: June 2, 2009**

11 
12 **IRMA E. GONZALEZ, Chief Judge**
13 **United States District Court**